

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERISOURCEBERGEN CORPORATION;
AMERISOURCEBERGEN DRUG
CORPORATION; and INTEGRATED
COMMERCIALIZATION SOLUTIONS, LLC,

Defendants.

Civ. A. No. 22-5209

**STIPULATION AND [PROPOSED] ORDER REGARDING THE
DISCLOSURE OF PRESCRIPTION DRUG MONITORING PROGRAM DATA**

Plaintiff the United States of America and Defendants AmerisourceBergen Corporation, AmerisourceBergen Drug Corporation, and Integrated Commercialization Solutions, LLC, pursuant to the Protective Order, paragraphs 76, 77, and 80, (ECF No. 77), in the above-captioned action, respectfully submit this Stipulation and Proposed Order regarding the Disclosure of Prescription Drug Monitoring Program Data for the below states.

WHEREAS, the states of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, Washington, D.C., West Virginia, Wisconsin, and Wyoming, or agencies thereof (the “States”), maintain electronic systems to collect and store controlled substance dispensing information (the “PDMP Databases”).

WHEREAS, the States provided PDMP Data to the Drug Enforcement Administration in various federal criminal and civil actions against or investigations of certain pharmacies, prescribers, or other entities subject to the respective laws of the States.

WHEREAS, the law of the States restrict disclosure of PDMP Data to a third-party. *See, e.g.,* Ala. Code Section § 20-2-91; Ariz. Rev. Stat. § 36-260420(C); Ark. Code Ann. § 20-7-606(b); 11 Cal. Code Regs. tit. 11, § 827.5(a); Del. Cod. 16 § 4798; Fla. Stat. § 893.0551(6); Ga. Code. § 16-13-60(e); 720 Ill. Comp. Stat. § 570/318(e), (h); Kan. Stat. §§ 65-1681, Kan. Stat. § 65-1685; Ky. Stat. § 218A.202(3)(h); La. Rev. Stat. § 40:1007(A), (F); Md. Code Health-Gen. § 21-21-06(a)(3); Mass. G.L. 94C § 24A(f); Mich. Comp. Laws § 333.7333a.(3), (4); Miss. Code Ann. § 73-21-127 (e)(i); Missouri Rev. Stat. § 195.600; Nev. Rev. Stat. § 453.164(8); N.J. Stat. Ann. 45:1-46a., i.(6); N.Y. Pub. Health Law § 3371; N.C. Gen. Stat. Ann. § 90-113.74; Ohio Rev. Code § 4729.86(A); 35 Pa. Stat. § 872.9(b); S. Carolina Code § 44-53-1650(D); S. Dakota C.L. § 34-20E-7; Tn. Code § 53-10-306; 53-10-308(3); Va. Code § 54.1-2523; D.C. Stat. § 48-853.05; W. Va. Code § 60A-9-5(a)(1); Wis. Stat. §§ 146.82(5)(c), 961.385(2)(c); Wyoming Stat. § 35-7-1060.

WHEREAS, Defendants believe federal law authorizes the United States to produce PDMP Data in its possession, custody, or control that is responsive to the Defendants' discovery requests.

WHEREAS, the United States believes an Order from this Court is required to permit the disclosure of PDMP Data from the above States that is responsive to Defendants' discovery requests.

WHEREAS, the parties recognize that the PDMP Data may require specific handling and designation under the Protective Order.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court's authority under Fed. R. Civ. P. 26(c), that:

1. The United States shall, consistent with the Protective Order, produce PDMP data in its possession to Defendants consistent with this Court's Scheduling Order (ECF No. 72).
2. In accord with the Protective Order, PDMP data shall be designated as "Highly Confidential – Protected Health Information."
3. This Order shall not be construed to require the United States to obtain additional data not already in its possession from the PDMP Databases or prohibit Defendants from seeking additional PDMP data that is not in the possession, custody, or control of the United States.

Dated: April 9, 2025

So stipulated,

FOR THE UNITED STATES OF AMERICA:

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The forgoing Stipulation is hereby APPROVED AND SO ORDERED on this _____
day of _____, 2025.

The Honorable Gerald J. Pappert
United States District Court Judge